

REMARKS

Claims 1-21 are pending in the application. Favorable reconsideration is requested in view of the claim amendments and following remarks.

I. Objection to the Specification

Applicants have amended the specification in accordance with the Examiner's objection. Accordingly, Applicants respectfully request withdrawal of the objection.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5, and 7-11 stand rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Nielson et al., U.S. Patent Application Publication No. 2006/0129643 (Nielson).

Original independent claim 1 recites a method of multimedia *message capability* negotiation. The method steps include: receiving, by a first service, of multimedia-*messaging-capability* information from a receiving client; transmitting, by the first service, of the multimedia-*messaging-capability* information to a sending client; and evaluating the multimedia-*messaging-capability* information. The Examiner equates "presence information" or "presence attributes", as described in Nielson, with the "messaging capability information" recited in the claims. As demonstrated below, however, messaging capability information differs from presence information or presence attributes.

In the application, Applicants recognize the prior use of "presence attributes" to enhance interoperability of messaging services between manufacturers. The application states:

Generally speaking, a presence attribute contains presence information intended for the user of the client. The presence attribute may also contain meta-information for machine-to-machine communications. The presence attributes may be divided into the following classes: (1) client status; (2) user status; and (3) extended presence information. Client status refers to presence attributes describing the availability of the client for communication, location information, and capabilities of the client. User status refers to presence attributes describing the availability of the user for communication, personal user status, and user information. Extended presence information refers to vendor-specific or service

provider dynamically defined non-standard presence attributes that need to be passed through standard presence servers and also includes extension fields to standard presence attributes.

(Application at page 5, lines 10-19.)

Nielson defines presence attributes in similar fashion:

The presence attributes that can be made available include presence information about the client and presence information about the user. The information about the client (client status) may include 'online status' and 'registration.' 'Online Status' indicates whether a client has an active session i.e. is logged into an IMPS server and is therefore available for instant messaging. 'Registration' indicates whether a client device is registered in a mobile telecommunications network and should therefore be available for receiving a telephone call, SMS or MMS. The information about the user (user status) may include 'user availability', 'preferred contact' and 'contact info'. 'User Availability' indicates the availability of the user and the amount of acceptable distraction i.e. available, unavailable, selectively available. 'Preferred contact' indicates the preferred method of contact e.g. call, SMS, MMS, IM, email. A 'contact address' attribute may give the address for the preferred contact method e.g. phone number, MMS address, User-ID, email address. 'Contact Info' is a vCard (i.e. an electronic introduction card) for the user that can be sent as an MMS message.

(Nielson at paragraph [0031].) Nielson, therefore, is commensurate with the prior art as recognized by Applicants.

The subject matter of the claimed invention, however, is not presence information, but "messaging capability" information:

In accordance with principles of various embodiments of the invention, the ability of the receiving client to use the Wireless Village protocol to publish the instant-messaging capabilities of the receiving client may be extended in order to permit the receiving client to publish the multimedia-messaging capabilities of the receiving client.

(Application at page 5, lines 20-24, emphasis added.) Messaging capability is a content-based determination, such as whether the receiving client has a sufficient display capability, whether a particular file format is supported, and the like. "[T]he capability of the clients is the primary limitation on what type of multimedia content can be transmitted and received." (Application at page 1, lines 8-10, emphasis added.) This differs from the presence attributes described by Nielson (and in the current application). By transmitting messaging content capability information to the sending client prior to message transmission, the sending of unreadable messages may be

avoided. Complex and imperfect content adaption algorithms, performed in prior art systems by messaging servers, also may be avoided. (See Application at page 4, line 14 to page 5, line 2.)

The presence attributes described in Nielson do not accomplish what is accomplished by the claimed invention. In particular, even if presence attributes indicate a message may be received, there is no indication that the message may be received in a readable format. As claimed, in contrast, the transmission of content capability information provides the sender an opportunity to tailor messages to a content or format that the receiving client may access. This is not done in the system of Nielson.

To clarify the content-based nature of the claimed invention, as distinguished from Nielson, Applicants have amended the claim term "multimedia-messaging-capability" in all claims to "multimedia-messaging-content-capability". The last clause of claim 1 also has been amended to recite "evaluating the multimedia-messaging-content-capability information by the sending client in order to determine what ~~further action to take relative to communicating with~~ content to transmit to the receiving client." Nielson does not disclose these features.

Applicants also note the Examiner's reliance on Nielson's reference to user preference settings in rejecting claims 7 and 8. User preferences differ from content capability information as recited in the amended claims. For example, even if a user may set a preference for contact by telephone, such a preference is irrelevant to whether the receiving client equipment has the capability to receive other forms of content, such as MMS messages.

For the foregoing reasons, claims 1, 3, 5, and 7-11, as amended, are not anticipated by Nielson, and, therefore, Applicants respectfully request that the rejection be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 103

Claims 2, 4, 6, and 12-21 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Nielson in view of Coulombe, U.S. Patent No. 7,103,681 (Coulombe). As to these claims, the Examiner applies Nielson in the same manner as described above. Accordingly, these claims are patentable for the same reasons.

In addition, Coulombe does not supply the deficiencies of Nielson. Coulombe discloses a method of message adaptation by which a receiving client may download appropriate software to render a message that the receiving client otherwise would be unable to render. Coulombe does not disclose that a sending client may access the multimedia messaging content capabilities of the receiving client prior to sending a message. Indeed, the sending of incompatible messages, which may be avoided by the claimed invention, still may occur in the system of Coulombe. For example, a receiving client may not have the capacity to download and run appropriate rendering software. The claimed invention, therefore, differs substantially from the disclosure of Coulombe.

For at least these reasons, a combination of Neilson and Coulombe does not result in, disclose, or suggest the claimed invention. Accordingly, claims 2, 4, 6, and 12-21, as amended, are not obvious over Nielson in view of Coulombe, and, therefore, Applicants respectfully request that the rejection be withdrawn.

IV. Conclusion

In view of the foregoing, claims 1-21 are believed to be allowable, and the application is believed to be in condition for allowance. Accordingly, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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/Lawrence S. Drasner/

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